

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MARGARITA DELGADO, et al., Individually
and on Behalf of All Others Similarly Situated,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC, CROSS
COUNTRY HOME SERVICES, INC., SANDRA
FINN, and “JOHN DOES 1-10,”

Defendants.

No: 13 Civ. 04427 (NGG) (RML)

CLASS ACTION

**DECLARATION OF J. CHRISTOPHER JENSEN IN SUPPORT OF
PLAINTIFFS' UNOPPOSED MOTION FOR FINAL APPROVAL OF THE
CLASS ACTION SETTLEMENT**

I, J. Christopher Jensen, declare as follows under penalty of perjury, pursuant to 28 U.S.C. § 1746:

1. I am counsel in the law firm Cowan, Liebowitz & Latman, P.C., co-counsel for the named Plaintiffs and the Class in this action.

2. I respectfully submit this Declaration in support of Plaintiffs' Unopposed Motion for Final Approval of the Class Action Settlement.

QUALIFICATIONS AND ROLE OF COUNSEL

3. In February 2015, my firm Cowan, Liebowitz & Latman, P.C. ("CLL") appeared in this action as co-counsel with the firm of Wittels Law for the Plaintiffs and the proposed Class. CLL was retained because of our extensive federal trial experience in actions involving alleged consumer deceit and confusion and the use of consumer surveys to prove such confusion.

4. I have over 35 years of experience as a trial attorney. I have acted as lead trial counsel in many jury and non-jury trials in the Eastern District of New York and other federal districts. Many of these actions involved allegations of consumer confusion or deceit and consumer fraud.

5. For example, I acted as co-counsel with the Brooklyn Legal Services for a group of low-income plaintiffs in a three-week jury trial of a multi-party consumer fraud action against a residential property reseller before Judge Kiyo Matsumoto of this District. In that action, the plaintiffs obtained a substantial verdict against the defendants for fraud and unfair business practices. *See, e.g. Barkley v. United Homes*, 848 F. Supp.2d 248 (E.D.N.Y. 2012)

6. In addition, I have acted as lead trial counsel in many trials in trademark and trade dress infringement actions and false advertising actions involving claims of consumer confusion and deceit. I and my firm have extensive experience in the use of consumer survey and

marketing experts regarding the issue of possible consumer confusion or deceit and were instrumental in obtaining the marketing and consumer advertising expert opinion for plaintiffs in this action.

7. Prior to joining CLL in 1980, I served as Chief of the Civil Division of the United States Attorneys Office for the Eastern District and acted as the lead trial attorney for the United States or its agencies in jury and non-jury trials in this District. In 1976, I was awarded the U.S. Attorney General's Special Achievement Award.

8. I taught a seminar in federal civil litigation as an Adjunct Professor of Clinical Education at the New York University School of Law from 1978 to 1994. I have also taught as an instructor in trial practice at the U.S. Attorney General's Advocacy Institute and for several years at the NITA Trial Advocacy programs for the Northeast Region.

9. I am the recipient of the Boris Kostelanetz President's Medal of the New York County Lawyer's Association for distinguished service to the legal profession in 2013, the Pro Bono Leader Award for Legal Services NYC in 2011 and the Thurgood Marshall Award of the Association of the Bar of the City of New York for pro bono representation of persons sentenced to death in 1998.

10. I was retained primarily to act as one of the lead trial counsel because of my experience in federal jury trials in the Eastern District of New York and other federal courts. I was also retained because of my and CLL's expertise in the use of consumer survey and marketing experts at the trial of actions involving claims of consumer confusion and deceit.

11. CLL has worked with lead class counsel Wittels Law to research and develop claims set forth in the amended pleadings in this action including claims for breach of fiduciary duty and violations of state consumer laws in various states. We also worked with lead class

counsel to identify and prepare expert testimony by a recognized expert in consumer marketing, advertising and potential consumer confusion.

12. CLL participated in the preparation of motion papers on behalf of Plaintiffs and the Class in connection with several motions filed in this action including plaintiffs' opposition to motions to dismiss the Third Amended Complaint, the motions for class certification and the opposition to defendants' motion to compel arbitration.

13. We advised lead class counsel regarding numerous discovery disputes and attended many discovery conferences before Magistrates Levy and Tiscione and participated in the research and drafting of multiple discovery motions including motions regarding defendants' inadequate production of ESI and defendants' assertions of attorney-client and attorney work product privilege.

14. CLL also participated in two mediations of this action. I participated in the mediation in Florida in 2016 before Rodney Max of Upchurch Watson and in the subsequent mediation conferences held at the JAMS mediation service in New York City in 2018 with mediator David Geronemus that led to a settlement of this class action.

15. CLL was actively involved in the extensive preparation for trial on defendants' motion to compel arbitration including participation in the research and drafting of motion papers regarding the parties' in limine motions made in connection with such trial.

16. I have also participated in and attended several pretrial conferences with the Court.

ATTORNEYS' FEES AND COSTS

17. CLL has committed substantial resources over the past 4 and half years to assisting lead counsel in the vigorous litigation of this action and in the aggressive pretrial

discovery to establish the evidence necessary to obtain class certification and to prevail on the merits.

18. A chart summarizing CLL's billable time performed on behalf of Plaintiffs and the Class in this case is attached hereto as **Exhibit A**.

19. CLL's time records were made contemporaneously and will be made available should the Court wish to review them in camera.

20. Based upon my knowledge and experience, the rates charged by CLL for attorneys and paraprofessionals are within the range of rates normally and customarily charged in New York by attorneys and paralegals of similar qualifications and experience in complex litigation.

21. In my judgment, and based on my years of experience, the number of hours expended and the services performed by CLL attorneys and paralegals were reasonable and expended for the benefit of the plaintiffs and the class in this action.

22. Before submitting this declaration, I carefully scrutinized CLL's time records and eliminated several entries based upon my billing judgment.

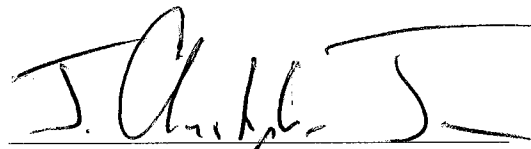
23. The total number of hours spent by each of the above attorneys and paralegals rendering services through the date of this declaration multiplied by their current or last hourly rate equals \$447,296..

24. In addition, CLL has incurred expenses of \$3,771.91 including travel expenses, computer research and photocopying expenses. These expenses have commonly benefitted plaintiffs and the class. Based on my knowledge and experience, all of these expenses were necessary and reasonable.

25. CL&L is a modest size firm with approximately 40 attorneys and 12 paralegals. As a result, the time spent on this action in the hope of eventually obtaining a substantial verdict or settlement and a fee for class counsel was a significant commitment of firm resources.

26. CLL and co-counsel litigated the action as efficiently as possible against multiple defendants and large law firms representing the defendants. One attorney at CLL, J. Christopher Jensen, accounted for approximately 75% of the CLL fee billing on this matter.

Dated: New York, New York
July 19, 2019



J. Christopher Jensen

Exhibit A

Cowan, Liebowitz & Latman, P.C.

Lodestar Chart

Delgado et al. v. Ocwen Loan Servicing, LLC et al.,
No. 13 Civ. 04427 (NGG) (ST)

From the inception of CLL's engagement in February 2015, CLL attorneys have expended the following number of hours, at the following hourly rates, in performing legal services on behalf of Plaintiffs in the above-captioned matters.

Timekeeper	Position	Hours	Rate/Hour	Total
J. Christopher Jensen	Counsel	396	\$850	\$336,600
Jonathan Z. King	Partner	15.2	\$800	\$12,160
Joelle Milov	Associate	106.4	\$400	\$42,560
Bridget Crawford	Associate	68.5	\$345	\$23,632
Scott Ceresia	Associate	58.2	\$375	\$21,825
Ryan Ghiselli	Associate	9.40	\$330	\$3,102
Richard Claverie	Paralegal	13.2	\$220	\$2,904
Nart-Anong Chinda	Paralegal	17.7	\$255	\$4,513
			TOTAL	\$447,296